

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

In the Matter of: : MISCELLANEOUS CASE

SEIZURE OF ONE BLACK 2012 :
HONDA ODYSSEY MINIVAN
BEARING PA LICENSE PLATE :
JFP3412, WITH VIN NUMBER
5FNRL5H68CB029689 : No. 14-MC-_____

UNOPPOSED MOTION OF UNITED STATES OF AMERICA
FOR EXTENSION OF TIME TO FILE FORFEITURE COMPLAINT

The United States of America, by its attorneys,
Zane David Memeger, United States Attorney for the Eastern
District of Pennsylvania, and Mark S. Miller, Assistant
United States Attorney, pursuant to 18 U.S.C. §
983(a)(3)(A), requests this Court to extend the period of
time in which the government may file a civil complaint for
forfeiture of the above-listed property until April 11,
2014. In support of the motion, the government avers as
follows:

1. On August 15, 2013, members of the Drug
Enforcement Administration (DEA) executed a federal search
warrant for a residence located at 8809 Hargrave Street,
Philadelphia, PA. One black 2012 Honda Odyssey minivan

bearing Pennsylvania license plate no. JFP3412, with VIN number 5FNRL5H68CB029689, was seized at the residence.

2. As required by law, the DEA thereafter sent direct written notice to all persons known to have an interest in the seized currency regarding its intention to forfeit the seized currency.

3. On October 15, 2013, Rosa Amelia Martinez, through her attorney, Louis T. Savino, Esq., filed a claim with the DEA seeking the return of the seized vehicle.

4. The Civil Asset Forfeiture Reform Act, 18 U.S.C. § 983, et seq. ("CAFRA"), provides that, within 90 days after a claim for the return of property is filed, the government must file a civil complaint for forfeiture of the seized property, as provided under federal law, 18 U.S.C. § 983(a)(3)(A). Also, if the government does not file a civil forfeiture complaint; list the seized property as being subject to forfeiture in a criminal indictment; or take other steps necessary to preserve the seized property within the time prescribed by the statute, the government must release the property and not take any further civil forfeiture action against the property. 18 U.S.C. § 983(a)(3)(B).

5. The government is required to file a civil complaint for forfeiture in this matter on or before January 13, 2014.

6. Pursuant to 18 U.S.C. § 983(a)(3)(A), the government requests a brief extension of time of approximately 90 days, from the filing deadline, that is, until April 11, 2014, to file a civil complaint for forfeiture in this matter.

7. On behalf of his client, Rosa Amelia Martinez, Attorney Savino does not oppose a 90 day postponement of the deadline for filing the civil forfeiture complaint.

8. Cause exists to grant the requested relief. The government currently is reviewing evidence regarding the seizure, and it needs to review additional information before it can conclude its investigation. The requested extension of time also will enable the government to identify legal and factual issues and fully consider the claim seeking the return of the seized currency. Furthermore, before taking final action, government counsel must obtain supervisory approval of any proposed forfeiture complaint or proposed settlement.

9. Also, the government requests additional time to discuss a non-trial disposition with opposing counsel.

10. The government submits that the requested extension of time is made in good faith and is not intended to unduly delay these proceedings. This is the government's first request for extension of time in this matter. Accordingly, under the circumstances, cause exists to grant the requested extension of time and will not unduly prejudice the claimants.

WHEREFORE, based on the foregoing, the government requests that this Court grant the motion.

Respectfully submitted,

ZANE DAVID MEMEGER
United States Attorney

A handwritten signature in blue ink, appearing to read "Mark S. Miller", is written over a horizontal line.

MARK S. MILLER
Assistant United States Attorney

Date: January 9, 2014.

CERTIFICATE OF SERVICE

IT IS HEREBY CERTIFIED that a true and correct copy of the MOTION OF UNITED STATES OF AMERICA FOR EXTENSION OF TIME TO FILE FORFEITURE COMPLAINT was served on the following by placing same in the United States mail, postage prepaid, addressed as follows:

Louis T. Savino, Esquire
Louis T. Savino, P.C.
Two Penn Center Plaza
15th and JFK Boulevard
Suite 1516
Philadelphia, PA 19102

A handwritten signature in blue ink, appearing to read "Mark S. Miller", is written over a horizontal line.

MARK S. MILLER
Assistant United States Attorney

Date: January 9, 2014.

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O R D E R

AND NOW, this _____ day of _____, 2014,
upon consideration of the government's motion pursuant to
18 U.S.C. § 983(a)(3)(A) to extend time to file a complaint
for forfeiture of the above-listed property, for cause
shown, the motion is GRANTED. The government shall file
its complaint in this matter on or before April 11, 2014.

J.